

**UNITED STATES DISTRICT COURT FOR  
THE DISTRICT OF NEW HAMPSHIRE**

COALITION FOR OPEN DEMOCRACY,  
*et al.*,

*Plaintiffs,*

v.

DAVID M. SCANLAN, in his official capacity  
as New Hampshire Secretary of State, *et al.*,

*Defendants.*

Case No. 1:24-cv-00312-SE-TSM

**JOINT MOTION FOR ENTRY OF STIPULATED CLAW BACK  
AGREEMENT AND ORDER**

NOW COME all parties, by and through their respective counsel, and jointly request that the Court enter the proposed Stipulated Claw Back Agreement as an Order in this lawsuit, which is attached hereto and made a part hereof, and states as follows:

1. Within one week's time from the Court's entry of the parties' proposed Order, Defendants will produce the first of two tranches of electronically stored information that has not been reviewed for responsiveness but may be responsive to Plaintiffs' First and Third Requests for Production of Documents as indicated by the use of search terms.
2. To facilitate the production process and to address Defendants' possible inadvertent disclosure of documents or information that is otherwise exempt from disclosure, the parties have entered into a Claw Back Agreement, which is attached as Exhibit A.
3. Accordingly, the parties respectfully request that the Court enter the parties' agreed upon Claw Back Agreement as an Order in this case.
4. Local Rule 7.1(a)(2): Due to the nature of the relief requested, no memorandum of law is required.

5. Local Rule 7.1(c): All parties to this lawsuit assent to this Motion and the relief requested.

6. Local Rule 7.2(a): Neither this Motion nor its requested relief will result in the continuance of any currently scheduled trial or hearing.

### **Prayer for Relief**

WHEREFORE, the parties respectfully request that this Honorable Court:

- A. Grant this Motion;
- B. Enter the attached Joint Stipulated Claw Back Agreement and Order; and
- C. Grant such further relief as is just and equitable.

Respectfully submitted,

DEFENDANTS DAVID M. SCANLAN, in his  
official capacity as New Hampshire Secretary of  
State and JOHN M. FORMELLA, in his official  
capacity as New Hampshire Attorney General

By their attorney,

JOHN M. FORMELLA  
ATTORNEY GENERAL

Date: August 4, 2025<sup>1</sup>

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<sup>1</sup> The ECF system notified the parties that undersigned counsel used the wrong event when filing this Motion on Friday. Undersigned counsel apologizes for his mistake. This Motion is substantively identical to Friday's filing—it merely corrects the event classification error, the date of service, and the date of Exhibit A.

*and*

COALITION FOR OPEN DEMOCRACY,  
LEAGUE OF WOMEN VOTERS OF NEW  
HAMPSHIRE, THE FORWARD  
FOUNDATION, MCKENZIE NYKAMP  
TAYLOR, DECEMBER RUST, STEVEN  
BORNE (as father and next friend of MILES  
BORNE), and RUSSELL MUIRHEAD (as  
father and next friend of ALEXANDER  
MUIRHEAD and LILA MUIRHEAD)

By their attorneys,

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\* Admitted *pro hac vice*

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served on all parties of record through the Court's e-filing system.

/s/ Michael P. DeGrandis  
Michael P. DeGrandis